

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appeal No: **Unassigned**

In re the Application of: **Yasaku FUJII, et al.**

Group Art Unit: **2137**

Serial Number: **09/425,736**

Examiner: **Nadia KHOSHNOODI**

Filed: **October 22, 1999**

Confirmation Number: **9951**

For: **ILLEGAL ACCESS DISCRIMINATING APPARATUS AND METHOD**

Attorney Docket Number: **991176**

Customer Number: **38834**

SUBMISSION OF REPLY BRIEF

Mail Stop: **Appeal Brief – Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

May 21, 2007

Sir:

In reply to the Examiner's Answer dated March 20, 2007, a Reply Brief is submitted with this paper. This paper is being timely filed.

If any fees are due in connection with this submission, please charge our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

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TEB/nrp



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

REPLY BRIEF FOR THE APPELLANTS

Ex parte FUJII et al. (Appellants)

ILLEGAL ACCESS DISCRIMINATING APPARATUS AND METHOD

Serial Number: **09/425,736**

Filed: **October 22, 1999**

Appeal No.: **Not yet assigned**

Group Art Unit: **2137**

Examiner: **Nadia KHOSHNOODI**

Submitted by:
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Date: **May 21, 2007**



Reply Brief
Serial No. 09/425,736
Attorney Docket No. 991176

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Yusaku FUJII, et al.**

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REPLY BRIEF

Mail Stop: **Appeal brief - Patents**
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

May 21, 2007

Sir:

Appellants reply to the Examiner's Answer mailed on March 20, 2007. This paper is being timely filed.

REMARKS

In the Appeal Brief, Appellants submitted that claims 11 and 22 were each amended in the amendment dated April 3, 2006 in order to resolve the antecedent basis issue concerning the phrase, "a service providing system." However, the Examiner still incorrectly maintains that these claims recite the limitation "the service providing system."

In the Appeal Brief, Appellants argued that Moussa's document has no relevance to the present invention, since the cited portions of Moussa give expression such as "an authentication fingerprint F" and "the data block fingerprint D with the fingerprint F it has stored in the authentic database." In contrast, the term "fingerprint" referred to in the present invention concerns a human fingerprint ("origin information" recited in claim 1 of the present invention). The fingerprint in the cited reference means a hash value¹ (*1) of a certain data, as described in col.4, lines 50-54.

In response, the Examiner asserts on page 18 of the Answer that Moussa discloses that his invention provides a method and system for simultaneously authenticating a user using two or more factors, such as using both a password and a physical token, or using a password, a physical

¹ In the encryption sector of industry, a hash value used in an electronic signature or the like is often called a "fingerprint". For example, when performing an "https" communication upon entering a password in Internet Explorer, a key mark appears in the right bottom of the screen. If this is clicked, you will understand that a hash value in an open certificate used cryptographic communication is displayed by an expression "fingerprint". Popularly used hash values include "MD5 fingerprint" and "SHA1 fingerprint".

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token, and biometric information in col. 2, lines 5-8. More specifically, the Examiner points out that Moussa teaches at step 221 entering a user name, as step 222 entering a first password and entering other authentication information in step 226, which could include a handwritten signature from the user, which Moussa characterizes as biometric information in col. 1, lines 14-17.

However, the Examiner fails to appreciate that after a user has been successively authenticated in step 230 in Moussa, the user's entered ID information, i.e., user name or password, and handwritten signature is not transferred from a first storage unit to a second storage unit after authentication, as required in claim 1. That is, Moussa fails to disclose or fairly suggest *a second storing unit for storing pairs of ID information and organic information which were inputted by arbitrary users within predetermined time, wherein said ID information and organic information is transferred from said first storing unit to said second storing unit after each authentication*; since instead after a user is authenticated in step 230, Moussa generates new data block in step 241, writes the new data block in step 242 and stores new values in the authentication data base in step 243. As such, Moussa's system is completely different from the steps of the present claimed invention.

It is respectfully submitted that the Examiner's comments provided on page 20, line 9 through page 22, line 2 of the Examiner's Answer supports the Appellant's position that the applied reference of Moussa fails to disclose these features of claim 1, since the Examiner has

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failed to rely on any portion of the Moussa reference which discloses that the user's entered ID information, i.e., user name or password, and handwritten signature is transferred after being authenticated in step 230 to a second storage unit where such information can be stored for a predetermined time. Instead, the Examiner merely relies on steps 241-243 of Moussa.

In the Appeal Brief, Appellants also argued that the Moussa fails to disclose or fairly suggest the features of claim 1 concerning *a comparing and collating unit for comparing and collating the latest inputted ID information and organic information with all of ID information and organic information stored in said second storing unit which were inputted and not previously registered in the past.*

With regard to these features of claim 1, the Examiner maintains the reliance on the disclosure in col. 3, lines 24-33 and col. 4, lines 56-64 of Moussa. However, these portions of Moussa fails to disclose that the latest inputted user's entered ID information, i.e., user name or password, and organic information, i.e. handwritten signature, are compared with all the ID information, i.e., user name or password, and organic information, i.e. handwritten signature, stored in a second storing unit which were inputted and not previously registered in the past.

In the Appeal Brief, Appellants submitted that while McNair may be concerned with a "try again" threshold, in which access is denied but the requester may be allowed to supply a different form of authentication information to obtain access, McNair is completely silent with

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regard to *discriminating authentication demand by an attacker by counting the number of said comparing-collating results which satisfy predetermined conditions and judging authentication demand as the one by an attacker if said counted number exceeds predetermined value*, as called for in claim 1. In response, the Examiner fails to give any type of meaningful response on pages 22 and 23 of the Answer.

In addition, it is submitted that the Examiner has failed to provide the requisite motivation for combining the teachings of Moussa and McNair. Instead, the Examiner has mischaracterized the teachings of McNair and uses impermissible hindsight in an attempt to reconstruct the features of the present claimed invention. Moreover, it is submitted that one of ordinary skill in the art at the time of the invention would not be motivated to modify the authentication procedure of Moussa to include the “try again” threshold of McNair, since such modification would be extremely difficult to implement and significantly alter the authentication process in Moussa without providing any additional security or benefits.

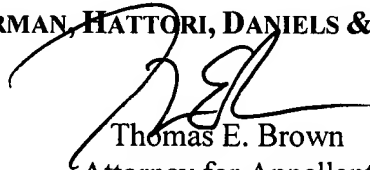
For at least the above reasons, Appellants request that the Honorable Board reverse the Examiner’s rejections.

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If this paper is not timely filed, Appellants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

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